

EXHIBIT E



December 2, 1994

VIA FACSIMILE

Mr. Robert McCluer, P.E., S.E.
Building Officials and Code Administrators
International, Inc.
4051 West Flossmoor Road
Country Club Hills, IL 60478-5795

Dear Bob:

We have reviewed the comments BOCA has made on the satellite industry's proposal to Section 3109.0. In light of them, it is important to review exactly why SBGA recommended its original proposal in the first place.

The Federal Communications Commission's 1986 rule dealing with the Preemption of Local Zoning and Other Regulation of Receive-Only Satellite Earth Stations states,

"State and local zoning or other regulations (emphasis ours) that differentiate between satellite receive-only antennas and other types of antenna facilities are preempted unless such regulations:

- (a) Have a reasonable and clearly defined health, safety or aesthetic objective; and
- (b) Do not operate to impose unreasonable limitations on, or prevent, reception of satellite delivered signals by receive-only antennas or to impose costs on the users of such antennas that are excessive in light of the purchase and installation cost of the equipment." (CFR § 25.104)

While clearly BOCA is not a local government or zoning board, the fact that a very significant number of localities look to the BOCA code as their models places BOCA in the center of the zoning debate. We don't believe that BOCA can ignore the important role it plays in supplying model codes simply because it is not a zoning authority. Because BOCA is the focal point for the formation of codes which ultimately make their way into local ordinances -- whether building, zoning or other regulations -- we are hoping that BOCA would accept our proposal as a reasonable method of dealing with satellite antennas in a fair and legal fashion.

Satellite Broadcasting and Communications Association

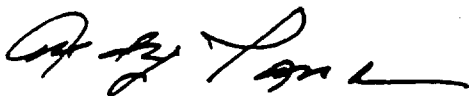
The FCC preemption rule covers all regulations which would lead to discrimination against satellite antennas as compared to other antennas, except for the very narrow exceptions cited in (a) and (b) above. In contrast, existing BOCA Section 3109.0 differentiates between satellite antennas greater than two feet in diameter and other types of antennas of similar size, and subjects satellite antennas to more cumbersome standards and more stringent requirements than other type of antennas of similar size.

The satellite industry is not arguing against building permit requirements, including structural requirements, if they are justified in accordance with the FCC's rule, i.e. they do not unreasonably prevent a satellite antenna owner from receiving programming, nor does their implementation create a cost burden to the user which is out of proportion to the cost of the system.

We would be pleased to discuss with you code diameter sizes for satellite antennas above which different requirements might apply (in order to satisfy the conditions in [a] above). For example, a 10-12 foot antenna might be subject to certain standards which would not apply to antennas eight feet or less. But in any event, it should be clear that the FCC is addressing its rule to restrictions on satellite antennas which are not applicable to other antennas as well.

Bob, we are not trying to be obstructionist in making this request of BOCA. But because BOCA is the source for many of the building codes which are implemented today by local governments, we would like you to understand that the practical effect of the code -- once it has become an ordinance -- is to discriminate against satellite antennas, contrary to the intent of the FCC's rule. We need your help in finding a reasonable approach to alleviating the situation.

Best regards,

A handwritten signature in black ink, appearing to read "Andrew R. Paul", with a long horizontal flourish extending to the right.

Andrew R. Paul
Senior Vice President



BUILDING OFFICIALS & CODE ADMINISTRATORS INTERNATIONAL, INC.

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February 6, 1995

Andrew R. Paul
Senior Vice President
SBCA
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Suite 600
Alexandria, VA 22314

Dear Mr. Paul:

Reference is made to your proposed change(s) for 1995. In your proposal(s) you refer to the following additional information:

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B209 Copies of pertinent sections of the "Appendices to Proposed Change to BOCA National Code" submitted with the proposed change

In order for the Code Development Committee to fully consider and evaluate your code change proposal, you are required to furnish each committee member with one copy of this information. A copy of the mailing list of the committee(s) is enclosed for your use. Please send one copy to each addressee on the list and also a copy to the BOCA Headquarters. Receipt of the additional information is needed two weeks prior to the Spring Meeting or earlier. **Please place prominently, identify each piece of additional information on the front sheet of each separate piece with the proposed code change number, preferably in the upper right hand corner.**

If you have any questions or comments, please let me know.

Very truly yours,

Robert McCluer, P.E., S.E.
Manager, Codes

KMS/kjk

enclosure(s)

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Satellite dish owner to keep fighting

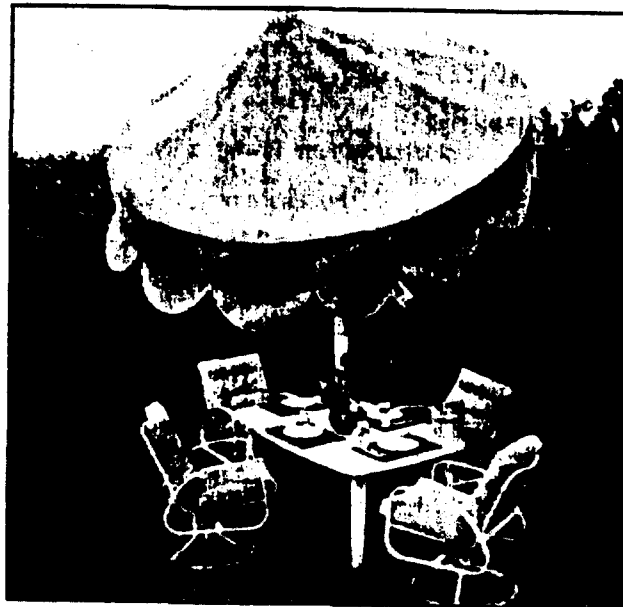


Photo courtesy
of Ken Latara